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020451  
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EXAMINER

ABRAMS, N

ART UNIT

PAPER NUMBER

2839

DATE MAILED: 03/20/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/024885

Applicant(s)

Examiner

Abrams

Group Art Unit

2839

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1-18-00
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 34-41, 43, 45-67 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 34-41, 43, 45-67 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☒ The proposed drawing correction, filed on 1-18-00 is ☒ approved ☐ disapproved but do not overcome objections
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 6 sheets
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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The amendments have been entered but note that for additions of more than five words to any claim the claim must be rewritten as per 37 CFR 1.121.

Claims 34-43 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim 34, line 2, "8mm" addition lacks basis in the disclosure as filed.

If present the basis should be pointed out by page and line numbers. Claims 39, 40 additions are similarly objected to. Also note that terms used in claims must find basis in the spec.

Amendment to claim 45, should "being" and "in" be changed to --becoming-- and --pivoted to-- to more clearly define the intended concept.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claim 48 "biasing means" claim 53 "v-shaped" feature and claim 54 "biasing means" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

For claim 48, part 369 does not properly denote the recited bias means. For claim 53, the V-shape feature is not adequately shown in fig. 23, for claim 54, what biasing means is referred to? None seen in fig. 23 to which the claim seems directed.

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Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Fig. 22 is objected to as unclear; are conductors 368 intended to be mounted "within" the housing 351, as arguments seem to imply or are they mounted for movement with cover 362 as in the fig. 23 device. A clarified depiction should be submitted, "provided basis for such can be shown in the case as filed". Part 369 should be depicted as a bias means, see the Beckham, fig. 23, spring 206 or the feature <sup>should be</sup> deleted from claims.

Claims 45-51, 53 and 54 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For claim 45, just which species it is intended to be readable upon is unclear.

Claim 46 is indicated to be readable on fig. 22 with depiction of pivotal cover/clipholder 362. However fig. 22 does not show a recess means in the end of the card 351B, the recess having dimensions for closely receiving the plug 10 and conductors in such recess for engaging contacts in the plug. The plug receiving recess and contacts, as best shown in fig. 22 seem to be within the pivotal member 362, not within the housing 351A when the cover is open. See page 59, lines 1, 2. Also term "aperture" should be --ledge-- or else term "aperture" added to the description in the spec. Claims 53, 54 are found non-readable on elected species since V-shape and biasing features, as recited in the claims, are not seen in fig. 23.

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*last office action, page 4,*  
The rejection of claims 44-63 using Aldous is withdrawn as cumulative.

Claims 45-67 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Beckham alone or taken in view of Okada.

The patents are applied as discussed previously. For claim 52, 59 part 72 is readable as a drawer. Note fig. 15, 16, clip holder parts 94, 94 that define an aperture similar to applicants, fig. 23 clip retention parts at 384. Also note that the V-shaped cross-section discussed by applicant on page 10 of Remarks is set forth in claim 53 not claim 52. Such ambiguously disclosed feature is also considered a matter of obvious design. Also obvious to form the fig. 15 ~~draw~~ <sup>drawer</sup> 72 with a V-shaped cavity to receive plug 18. The claims 52, 59, etc. limitation "that the plug is closely received therein" is met by the Beckham, fig. 15, 16, 23, 24 depicted relationship since the terms do not require that the plug be so "fully enclosed" in the recess that the conductors be entirely covered. The Beckham plug 38 is seen to be closely received in aperture 86 which is formed by walled structure of the drawer. For claim 60, it seems clear that the Okada teachings relate to plug-in assemblies like that of Beckham, see fig. 19 and that it would have been obvious to apply teachings like that of Okada, figs. 3B, 5 to the Beckham figs. 16 or 19 device to provide an arrangement in which the modular jack is at least partially covered when not in use. For claim 45 the Beckham, fig. 28, part 236 defines a pivotal cover with a recess enclosing contacts 124 and closely receiving a plug. In closed position of the cover 236 the cover and recess are to be enclosed within the card. The claim does not require pivoting of the cover to a closed position to automatically cause the contacts to be so enclosed. For claim 46, the fig. 23 part 204 is read as a

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pivotal cover-clip holder that is mounted over a recess 202 at the end of the card. For claim 64, the Beckham figs. 28, 29, system is seen to be adequate. Nothing in the claims requires the jaws to be pivotally mounted to "non-movable" portions at the first end of the card as arguments seem to infer. The manner of mounting used in applicants fig. 25 for jaws 424 is not clearly disclosed and applicant cannot properly assert such relationships as a basis for overcoming the prior art. For claim 64, Beckham, fig. 23, device is also readable as having jaws 72,204. The device also meets claims 65-67 limitations. For claim 59 see Beckham, figs. 15, 16, 23, 24 device with movable drawer 72 in which a portion of the plug is closely received.

Claims 45-59 and 64-67 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mitani.

See discussion in last office action. For claim 52 note movable drawers in figs. 1, 9, 19. The basis for applicants position that these features are not readable as "drawers" is unclear. Note clip holder 31 in fig. 19. The Examiners discussion of the claim limitations in the rejection using Beckham is also applied to this rejection.

For claims 45, 46 Mitani discloses, figs. 5, 6 a system with jaws 53, 53 read as a pivotal cover and a pivotal clip holder and with contacts 53b in a recess at the end of the card or readable as being within the cover. Arguments that the Mitani cover does not pivot to "close the recess" is not persuasive since the claims do not require such feature.

Claims 34-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldois in view of Gargiulo, Kokinoki and Mitani.

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See discussion in last office action. It would have been obvious to use a plug-in housing like 1 of Kakinoki with a card (body) like 40 or 72 of Aldois. This would enable easier replacement of the housing if damaged or if one desired to use it with a different type of communications line plug. Note that the Kakinoki system with card body 2 and housing 1 reads on the basic inventive concept. Gargiulo and Mitani are similarly readable on the claimed structure. It is submitted that it would have been obvious to use such concepts with the Aldous PCMCIA type card.

Claims 34-45 and 59-63 are rejected under 35 U.S.C. 102(b) as being ~~unpatentable~~ anticipated by McDaniels. or 35 usc 103 as unpatentable over McDaniels.

See discussion in last Office action. For claims 34, 39, 40 arguments by applicant are not understood. The added, "not substantially less than 8mm" does not seem to avoid the McDaniels col. 1, lines 46-47 disclosure. In addition to apply the patent teaching to cards of various thicknesses would have been matters of obvious choice. Applicant is asked to clarify these arguments. Also what is the "first side" referred to in these claims?

Claims 44-67 are rejected on grounds of double patenting as set forth in the last Office action.

For example, claim 34 of this case seems to be a greatly broadened variant of claim 7 of the patent and to differ mainly by omission of certain features. This rejection will be further reviewed if the case otherwise becomes ready for allowance.

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Applicant's arguments filed with the amendment have been fully considered but they are not persuasive.


The arguments have been responded to above.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number (703) 308-1729.

Abrams/dc  
March 15, 2000

  
NEIL ABRAMS  
EXAMINER  
ART UNIT 322